

## Monday, May 18

*House Meets at 12:00 Noon for Pro Forma Session*

## Tuesday, May 19

*House Meets at 12:30 p.m. for Morning Hour and 2:00 p.m. for Legislative Business  
(No Votes Before 5:00 p.m.)*

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H.R. 512	New Wildlife Refuge Authorization Act.....	p.22
H.R. 3616	FY 1999 National Defense Authorization Act (Begin Consideration)	

## Wednesday and Balance of the Week, May 20-22

*Wednesday and Thursday, House Meets at 10:00 a.m. for Legislative Business  
Friday, House Meets at 9:00 a.m. for Legislative Business*

⇒H.R. 3616	FY 1999 National Defense Authorization Act
⇒H.R. 3150	Bankruptcy Reform Act

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⌚See *Legislative Digest*, Vol. XXVII, #12, May 8, 1998

⇒To be published in a future issue of the *Legislative Digest*

H.R. 2183	Bipartisan Campaign Integrity Act.....	p.24
H.Res. 432	Sense of the House Concerning the President's Assertions of Executive Privilege.....	p.27
H.Res. 433	Sense of the House Concerning the President's Cooperation with Congressional Investigations.....	p.29
⇒H.R. 2400	Building Efficient Surface Transportation and Equity Act (Conference Report)	

⇒To be published in a future issue of the *Legislative Digest*

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Legislative  
Digest

# Veterans Transitional Housing Opportunities Act

## H.R. 3039

Committee on Veterans' Affairs

H.Rept. 105-447

Introduced by Mr. Stump *et al.* on November 13, 1997

### Floor Situation:

The House is scheduled to consider H.R. 3039 on Tuesday, May 19, 1998, under suspension of the rules. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

### Summary:

H.R. 3039 establishes a pilot program in the Department of Veterans Affairs to guarantee loans to community-based organizations that serve homeless veterans. The intent of the bill is to expand the supply of transitional housing for homeless veterans by authorizing the Veterans Affairs Secretary to guarantee loans for long-term transitional housing projects. Specifically, the bill:

- \* authorizes the VA Secretary to guarantee the full or partial repayment up to 15 such loans (but not more than five loans in the first three years of the program) and sets a maximum loan guarantee amount of \$100 million. The secretary must (1) approve each loan prior to closing, and (2) contract with a nonprofit corporation experienced in transitional housing to obtain advice in administering the program;
- \* requires residents in transitional housing units to seek employment, maintain sobriety, and pay a reasonable fee for their residence. Each housing unit must enforce sobriety standards and provide a wide range of support services, such as substance abuse counseling and job readiness skills;
- \* allows loan guarantee funds to be used for construction, rehabilitation, land acquisition, refinancing, furniture, equipment, supplies, material, and working capital;
- \* outlines loan eligibility requirements and default procedures;
- \* require borrowers to work with, and obtain assistance from, VA health care facilities as well as state and local authorities; and
- \* authorizes non-veterans to be placed in transitional housing if the needs of homeless veterans have been met and requires that such individuals meet the same conditions for occupancy.

Funds for the program do not rely appropriated dollars. As introduced, H.R. 3039 originally provided funding for the costs of defaulted loans through a unique vehicle that involved reinvestment of National

Service Life Insurance trust funds in securities with yields that are historically higher than the yield on U.S. Treasury securities. As amended, the bill does not specify the funding source to pay costs associated with the loan guaranty.

The Congressional Budget Act contains a permanent authorization for such sums as may be necessary to pay any costs associated with loan guaranty commitments that agencies are authorized to make. The Congressional Budget Office (CBO) estimates that these costs will amount to \$1 million in the first three years of the program and \$2 million annually thereafter. Because the bill does not make these costs subject to appropriations, CBO classifies these amounts as direct spending.

## **Background:**

According to Department of Veterans Affairs (VA) statistics, approximately one in three homeless Americans are military veterans (an estimated 250,000 men and women). In a one-day (September 30, 1996) survey of its patients in acute care beds, the VA found that (1) 13.5 percent had been homeless when admitted; (2) 7.5 percent resided in a shelter, the streets, or similar circumstances; and (3) six percent had only temporary housing with family or friends. Of patients in VA substance abuse programs, 47 percent were homeless, as were 24 percent in psychiatry beds.

According to VA reports, homeless veterans overwhelmingly suffer from serious psychiatric or substance abuse disorders. Numerous studies have shown that destructive, addictive behavior and homelessness are inexorably linked. Chemical dependency, post-traumatic stress disorder (PTSD), and chronic physical problems affect a high percentage of homeless veterans. Approximately 75 percent of homeless veterans have a problem with alcohol and/or drugs, a rate of abuse higher than their non-veteran counterparts, according to providers of services to homeless veterans. Mental illness also plays a significant role in homelessness.

A shortfall of transitional housing for homeless veterans exists because federal programs targeted specifically at these veterans currently serve only a fraction of those in need. To accommodate an estimated 250,000 homeless veterans, the VA has fewer than 5,000 transitional-type beds either under contract or as part of its domiciliary program for homeless veterans. The last three VA reports assessing local services needed by homeless veterans have consistently found that meeting the need for both long-term and transitional housing is a top priority. The Veterans' Affairs Committee believes the most effective method of reducing the revolving-door syndrome plaguing the VA health care system is to ensure that veterans are being discharged to residences offering a highly structured long-term housing program that requires sobriety, accountability, and assistance in finding employment.

## **Federal Funding**

Congress has repeatedly expressed concern that veterans are not receiving a proportional share of funds for homeless programs. Despite these concerns, of the more than \$1.3 billion awarded by HUD for homeless projects in 1994 and 1995, only \$14.5 million (approximately one percent) was awarded to veteran-specific programs. During 1996 and 1997, HUD grants to veteran-specific programs totaled only \$44 million (three percent) of the nearly \$1.65 billion awarded.

Over the past four years, the VA has doubled its spending on programs serving homeless veterans to \$83 million. The VA now contracts with over 100 community-based service organizations to provide residential care for homeless veterans, and operates more than 100 projects under its Health Care for Homeless Veterans (HCHV) and Domiciliary Care for Homeless Veterans (DCHV) programs. Through these initiatives, the VA has provided services to more than 250,000 veterans during the past 10 years and today reaches more than 40,000 veterans annually. Unfortunately, the number of homeless veterans only seems to be increasing.

### **Loan Guarantees**

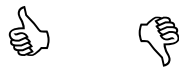
After reviewing many successful transitional housing programs, the Veterans' Affairs Committee concluded that community-based organizations, in partnership with the VA and community-based resources, can deliver the necessary services to homeless veterans. However, a lack of capital often prevents potential partnerships from developing to provide these programs. Transitional housing is in short supply because of the difficulty in obtaining financing. In order to provide increased opportunities for localities to create transitional housing, the committee believes that a loan guaranty program is the most efficient way to address the issue, as opposed to increased funding for VA or HUD programs. A loan guaranty program has the advantage of being able to leverage a relatively small federal financial commitment into a much larger result. According to the NCHV, its members are spending under \$10 million per year to operate 3,000 beds.

The committee believes that the supply of transitional housing can be increased without significant financial involvement by the federal government. Transitional housing programs lessen the inpatient workload of VA medical care facilities by decreasing the episodes of treatment for homeless veterans. As a result, the VA should experience significant cost reductions in its medical care program because of a reduction in otherwise preventable readmissions.

### **Costs/Committee Action:**

CBO estimates that enactment of H.R. 3039 will raise direct spending by \$1 million per year for FYs 1999-2002 and \$2 million annually for FYs 2003-2005, for a total cost of approximately \$10 million. The bill affects direct spending, so pay-as-you-go procedures apply.

The Veterans' Affairs Committee reported the bill by voice vote on March 11, 1998.



*Kevin Smith, 226-7862*

# Authorizing VA Major Medical Projects and Facility Leases for FY 1999

## H.R. 3603

Committee on Veterans' Affairs  
H.Rept. 105-490  
Introduced by Mr. Stump *et al.* on March 31, 1998

### Floor Situation:

The House is scheduled to consider H.R. 3603 on Tuesday, May 19, 1998, under suspension of the rules. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

### Summary:

H.R. 3603 authorizes \$213.8 million for FY 1999 Department of Veterans Affairs (VA) construction projects and medical facility leases. Specifically, the bill authorizes \$205.3 million for nine high-priority VA major medical construction projects and \$8.5 million for three major medical facility leases. The bill authorizes the following amounts for major medical facility projects:

- \* \$23.2 million for clinical consolidation and seismic corrections at the Long Beach VA Medical Center. One seismically and structurally unsound building will be demolished and its services will be consolidated into other buildings that will undergo needed renovations;
- \* \$50 million for seismic corrections at the San Juan VA Medical Center. The top six stories of the main hospital building, built in the 1950s and well below the recommended seismic safety standards, will be demolished, and a new two story medical and surgical building will be constructed. The remaining floors of the original building will undergo seismic strengthening;
- \* \$29.7 million for outpatient clinic expansion at the Washington (DC) VA Medical Center. Specifically, the project will expand a number of services such as primary care services and outpatient radiology;
- \* \$22.4 million for construction and seismic corrections at the Palo Alto VA Medical Center. This project was authorized two years ago, but money was never appropriated to undertake the project. The project involves the demolition of a seismically deficient building and construction of a one-story, 120-bed psychogeriatric nursing home care building;
- \* \$28.3 million (of which \$7.5 million will come from previously appropriated funds), for ambulatory care improvements at the Cleveland Wade Park VA Medical Center. This project includes the construction of an ambulatory care addition and renovation of existing space for ambulatory care, which is currently housed in a 40-year old building that is not well-designed to handle the increasing numbers of outpatient visits;

- \* \$35 million for an ambulatory care addition at the Tucson VA Medical Center. This project adds two stories to an already-existing ambulatory care building at the facility. Currently, outpatient care is dispersed among several buildings, some of which are almost 70 years old;
- \* \$24.2 million for a psychiatric care addition at the Dallas VA Medical Center. This project includes the construction of a new multi-level mental health addition on top of an already-existing ambulatory care building that will consolidate all mental health programs at the facility;
- \* \$3 million in previously appropriated funds for community-based outpatient clinic projects at Auburn and Merced (CA), as part of the Northern California Healthcare System; and
- \* \$13 million, of which \$11.9 million will come from previously appropriated funds, to construct a parking structure at the Denver VA Medical Center. The proposed multi-level facility, which will provide 700 parking spaces, will facilitate ready access of patients and staff to the health care facility.

In addition, the bill authorizes three major medical facility leases, which include (1) \$1.8 million to lease a satellite outpatient clinic in Baton Rouge, Louisiana; (2) \$2.6 million for a similar clinic in Daytona Beach, Florida; and (3) \$4.1 million for a similar clinic in Oakland Park, Florida. Finally, the bill increases the threshold—which determines whether a project must be authorized—for treatment of a parking facility project as a major medical facility project from \$3 million to \$4 million.

## **Background:**

The Clinton Administration's major construction budget for FY 1999 seeks funds for only two medical construction projects, which fund seismic corrections at the Long Beach and San Juan VA Medical Centers. These two proposals are among a series of pending construction projects to which the VA has assigned a high priority. However, the Veterans' Affairs Committee believes that the budget submission ignores many other critically important projects. In limiting its request to two projects that focus on inpatient care needs, the committee believes that the administration's construction budget ignores the high priority the VA is otherwise giving to outpatient care in its medical care budget (e.g., the medical care budget envisions closures of additional hospital wards in FY 1999 and further expansion of outpatient treatment).

However, many VA facilities simply lack adequate capacity to furnish outpatient care efficiently. Notwithstanding the limited amounts actually requested for construction funding, VA planners have recognized the need to renovate, or add ambulatory additions to, decades-old hospital buildings. Accordingly, the VA has submitted strategic plans to Congress that have identified several ambulatory care projects among its highest priority construction projects. The Veterans' Affairs Committee believes it is essential that Congress look beyond the Clinton Administration's budget proposal given the very limited impact the administration's major construction budget will have on the VA's infrastructure needs. The committee believes that the reported bill will provide a foundation for such action.

**Costs/Committee Action:**

Assuming appropriation of authorized amounts, CBO estimates that enactment of H.R. 3603 will result in outlays of approximately \$9 million in FY 1999 and \$203 million over FYs 1999-2003. The bill does not affect direct spending, so pay-as-you-go procedures do not apply.

The Veterans' Affairs Committee reported the bill by voice vote on April 1, 1998.



*Kevin Smith, 226-7862*



# **Ricky Ray Hemophilia Relief Fund Act**

## **H.R. 1023**

Committee on the Judiciary  
H.Rept. 105-465  
Introduced by Mr. Goss on March 11, 1997

### **Floor Situation:**

The House is scheduled to consider H.R. 1023 on Tuesday, May 19, 1998, under suspension of the rules. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

### **Summary:**

H.R. 1023 establishes a \$750 million fund for payments to persons infected with the human immunodeficiency virus (HIV) as a result of receiving a contaminated blood-clotting pharmaceutical product known as anti-hemophilic factor (AHF). Payments of \$100,000 will go to (1) persons who relied on prescriptions for AHF between July 1982 and December 1987; (2) lawful spouses and former spouses of infected persons during that same period; or (3) persons who acquired HIV from the parent drug of AHF during pregnancy. In cases where the original victim is now deceased, payments will go to their surviving spouses, children, or parents.

Approximately 15,000 Americans experience a blood clot disorder known as hemophilia. In the late 1970s and early 1980s, at the advent of the AIDS crisis, roughly 7,200 hemophiliacs were infected with HIV due to their use of AHF, which they rely on heavily to reduce and prevent incidents of hemophilia. However, because AHF is derived from blood donations, and such donations were not routinely screened for infections—and no method existed at that time to screen for HIV or the AIDS virus in blood supplies—thousands of otherwise healthy individuals became infected by the fatal disease. People suffering from blood-clot disorders usually incur rather costly medical expenses; for those infected with the HIV, their problems were only compounded. Average figures for medical costs of a blood clot sufferer exceed \$150,000 per year, while a 1996 study placed the average annual medical costs for an HIV-positive person with severe hemophilia at just over \$168,000.

The drug AHF is used by people with various blood disorders, including those who receive blood transfusions. When it was discovered that the drug had become tainted, numerous lawsuits were filed against the company which manufactured AHF, and many have been settled with out-of-court settlements for several hundreds of thousands of dollars. Additionally, a private fund was established by the blood disorder pharmaceutical industry to provide \$100,000 to HIV-infected individuals with hemophilia and their families. However, given the amount of costs associated with this disease, H.R. 1023 is an attempt to add a matching payment of \$100,000 for hemophiliacs affected by tainted AHF products in an effort to provide a comparable sum to families who did not sue AHF manufacturers or have not yet settled those cases.

**Costs/Committee Action:**

CBO estimates that enactment of H.R. 1023 will increase discretionary spending by \$767 million over a five-year period. The bill does affect direct spending, so pay-as-you-go procedures do apply.

The Judiciary Committee ordered the bill reported by voice vote on October 29, 1997.



*Kevin Washington, 226-7860*

# Collections of Information Antipiracy Act

## H.R. 2652

Committee on the Judiciary  
H.Rept. 105-\_\_\_\_  
Introduced by Mr. Coble on October 9, 1997

### **Floor Situation:**

The House is scheduled to consider H.R. 2652 on Tuesday, May 19, 1998, under suspension of the rules. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

### **Summary:**

H.R. 2652 prohibits misappropriation and misuse of commercially collected information by entities that may use it to unfairly gain a market advantage over their competitors. Specifically, nonprofit educational, scientific, research, and library entities collect vast amounts of information for use and access by their customers. These resource collections are often targets for companies that attempt to gain access to the information held by the nonprofit organizations and market it to their target customer base, thereby subverting the efforts of the nonprofit entities.

The bill arises from complaints raised by mostly small, independent companies which provide the kinds of services outlined in the bill. For example, according to committee documents, the company which publishes the Television & Cable Factbook, a directory of television station and cable systems throughout the U.S., has been the target of data piracy on the part of a company in Georgia. In court documents filed by the Factbook's publisher, information from the factbook is taken verbatim from published documents, compiled into its own databases and marketed to consumers at a lower cost. Other companies which belong to the Coalition Against Database Piracy assert that the jobs of their employees and resulting work products, which entail various facets and industries including law, medicine, news, defense, and finance, are in jeopardy by data "pirates."

H.R. 2652 does not place intellectual property protections on the information itself; instead, it protects the process by which a company may acquire information and sell it to industry consumers once the information has been compiled and sold by another competing firm. Additionally, the bill exempts nonprofit organizations from criminal liability for their own efforts to collect information, as well as from civil liability for innocent violations they may commit while collecting their information.

### **Costs/Committee Action:**

A CBO cost estimate for H.R. 2652 was unavailable at press time.

The Judiciary Committee ordered the bill reported by voice vote on March 24, 1998.

*Kevin Washington, 226-7860*

# Limiting Federal Court Jurisdiction Over Federal Prison Release Orders

## H.R. 3718

Committee on the Judiciary  
No Report Filed  
Introduced by Mr. DeLay on April 23, 1998

### Floor Situation:

The House is scheduled to consider H.R. 3718 on Tuesday, May 19, 1998, under suspension of the rules. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

### Summary:

H.R. 3718 prohibits federal judges from ordering the release of persons convicted of violent or drug-related crimes because of prison conditions. Additionally, the bill reverses certain “consent decrees” issued which grant authority over management of state and local prisons to federal judges and other third parties.

Bill supporters cite existing federal law which bars federal courts from intervening in the management of state and local prisons unless the court issues an order specifically directing the prison to correct a condition which violates a prisoner’s federal rights. Nevertheless, federal judges have issued numerous orders to release prisoners because of inmate complaints over certain conditions they found unfavorable, such as complaints over food temperatures or access to certain amenities. However, supporters contend that evidence of the number of crimes committed by dangerous criminals once they are released is justification for restricting the ability of federal judges to release violent criminals from prison.

### Costs/Committee Action:

CBO did not complete a cost estimate for H.R. 3718. The bill was not considered by any committee, but was originally offered as an amendment to H.R. 1252, the Judicial Reform Act, by a vote of 367-52 on April 23, 1998.



*Kevin Washington, 226-7860*

# Drug Free Borders Act

H.R. 3809

Committee on Ways & Means

H.Rept. 105-\_\_\_\_

Introduced by Mr. Crane on May 7, 1998

## Floor Situation:

The House is scheduled to consider H.R. 3809 on Tuesday, May 19, 1998 under suspension of the rules. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

## Summary:

H.R. 3809 increases the authorization for the U.S. Customs Service to combat the entry of illegal drugs into the U.S. Specifically, the bill increases the authorization for (1) drug enforcement and other noncommercial operations to \$965 million for FY 1999 and \$1 billion for FY 2000; (2) commercial operations to \$971 million for FY 1999 and \$1 billion for FY 2000; and (3) air interdiction programs to \$98 million for FY 1999 and \$101 million for FY 2000.

The bill also authorizes funding for equipment purchases, hiring additional Customs inspectors, special agents, and canine officers to protect U.S. borders from illegal contraband. Additionally, the bill does not include a Custom officer's premium wages in the current \$30,000 annual overtime pay limit. Finally, the bill stipulates that if the commissioner of the U.S. Customs Service determines that any portion of a collective bargaining agreement has an adverse impact on drug interdiction efforts on U.S. borders, parties on all sides must resolve their dispute by eliminating the provision that caused the disagreement. If, after 90 days, no such resolution has been reached, the commissioner may attempt to resolve the matter with a final offer which, if rejected, sends the dispute to an arbitration panel.

The U.S. Customs Service has existed for over 200 years. The agency was restructured in 1995 as a three-tiered organization with an emphasis on service delivery at ports of entry. The Commissioner of Customs, by authority delegated by the Secretary of the Treasury, establishes policy and is headquartered in Washington, D.C. In addition to its own laws, the agency enforces well over 400 other provisions of law for at least 40 agencies. A number of these statutes are quality of life issues that relate to the environment, such as motor vehicle safety and emission controls, water pollution standards, pesticide controls, freon smuggling, and the protection of endangered wildlife. Other laws safeguard American agriculture, business and public health, and consumer safety.

## Costs/Committee Action:

A CBO cost estimate for H.R. 3809 was unavailable at press time.

The Ways & Means Committee ordered the bill reported by a vote of 29-0 on May 14, 1998.

*Kevin Washington, 226-7860*

# Reauthorizing the National Historic Preservation Act

## H.R. 1522

Committee on Resources  
H.Rept. 105-484  
Introduced by Mr. Hefley *et al.* on May 1, 1997

### Floor Situation:

The House is scheduled to consider H.R. 1522 on Tuesday, May 19, 1998, under suspension of the rules. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

### Summary:

H.R. 1522 reauthorizes the Historic Preservation Fund (HPF) and extends the authorization for annual deposits of \$150 million to the HPF through FY 2004. The authorization for these deposits, which consist of receipts derived from oil and gas development on the Outer Continental Shelf, expired at the end of FY 1997. In addition, the bill:

- \* codifies Executive Order No. 13006, which requires that federal agencies, when locating or relocating federal facilities, give first consideration to historic structures in historic districts, especially at locations in central business areas. In the past, the National Park Service and other federal agencies have often built new structures or visitors centers virtually adjacent to historic structures. The Resources Committee is concerned that the result has been a loss of historic fabric and a waste of landmark structures which bind downtown areas together;
- \* modifies existing regulations for state historical preservation offices to allow greater state and tribal control over the composition of their staffs. Under current regulation, these offices must employ or contract for the services of an architect, an archaeologist, and an historian; however, some offices claim they do not need each position. The Interior Department is currently developing professional standards for these positions, which will include expertise beyond mere academic accreditation. The bill is intended to give states and tribes the right to tailor their preservation staffs to their own needs, provided they meet these standards;
- \* reiterates that the law does not apply to the White House and its grounds, the Supreme Court building and its grounds, and the United States Capitol and its related buildings and grounds. However, the bill clarifies that the exemptions that agencies enjoy are limited only to the principal buildings and grounds, thus ensuring that those agencies honor historic preservation laws when it performs activities outside those boundaries. This modification is necessary because the federal government has, in the past, undertaken activities on property within the District of Columbia that is located outside of the principal buildings and grounds without following the public review and consultation process established by

the 1966 National Historic Preservation Act (NHPA; e.g., the Architect of the Capitol recently demolished an historic 19<sup>th</sup> century rowhouse in the District of Columbia in order to construct a Senate day care facility on the site); and

- \* clarifies NHPA Section 106 compliance procedures for heads of federal agencies, extends the authorization for the Advisory Council on Historic Preservation through FY 2004, grants employees of the council the same employment status as other members of the executive branch, and modifies the existing Interior Secretary review of nominations to the National Historic Register.

## **Background:**

The 1966 National Historic Preservation Act (NHPA; *P.L. 89-665*) initiated a federal role in financing historic preservation programs. The law was designed to encourage the preservation of historic sites on the state and local level and to augment the financing of the National Trust for Historic Preservation. The NHPA authorized two sets of matching grants on a 50-50 basis, first to help them conduct surveys of historic sites and develop statewide plans for preserving them and to assist them in financing and performing actual restoration. The NHPA also authorized grants of up to 50 percent to the National Trust for Historic Preservation to increase its capacity to acquire and administer national significant properties.

### **Historic Preservation Fund**

Congress amended the NHPA (*P.L. 94-422*) in 1976 and established the Historic Preservation Fund (HPF) as a funding source for NHPA activities. The fund, established within the U.S. Treasury and administered by the National Park Service, is a federal matching grant program (funded on a 60 percent matching share basis) that encourages private and non-federal investment in historic preservation efforts by providing grants to states, territories, Indian tribes, and to the National Trust for Historic Preservation to assist their efforts to protect and preserve properties listed in the National Register of Historic Places.

HPF grants serve as a catalyst and “seed money” to protect and preserve historic American sites, buildings, and objects of significant cultural heritage. Funding is most often used to subsidize the costs of surveys and statewide historic preservation plans, as well as prepare National Register nominations, architectural plans, historic structures reports, and engineering studies. All HPF-assisted activities must meet professional standards set by the Interior Secretary, and at least 10 percent of each state’s allocation must be subgranted to assist local governments that are certified as eligible under program regulation (currently, 950 certified local governments are in charge of local historic preservation). The HPF also administers a grant program for Indian tribes, Alaska natives, and native Hawaiians for cultural heritage projects. In addition, the fund provides matching grants to historically black colleges and universities to preserve threatened historic buildings located on campus.

Since 1968, over \$800 million in grant funds has been awarded to states, territories, Indian tribes, local governments, and the National Trust for Historic Preservation. Although the annual authorization level for the HPF is \$150 million, actual appropriations have been at a much lower level (e.g., the HPF received \$40.8 million in FY 1998). The HPF appropriation is derived from Outer Continental Shelf oil and gas development receipts.

## **The National Register for Historic Places**

The National Register of Historic Places, administered by the National Park Service, is the nation's official list of cultural resources worthy of preservation. Authorized under the 1966 NHPA, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect our historic and archeological resources. Currently, the National Register is comprised of more than 68,000 listings which include (1) all historic areas in the National Park System; (2) more than 2,200 national historic landmarks designated by the Interior Secretary; and (3) properties nominated by state or local governments, organizations, and individuals because of their significance to the nation, state, or community.

## **The National Trust for Historic Preservation**

The National Trust for Historic Preservation was chartered by Congress in 1949 as a nonprofit organization. The national trust owns numerous historic properties, 17 of which are historic houses that are operated as museums (e.g., Mount Vernon in Virginia, the Woodrow Wilson house in Washington, D.C., and the home and studio of Frank Lloyd Wright in Oak Lawn, Illinois). The national trust receives federal funding through the NHPA. In general, private funds for the national trust's operations are matched by federal dollars to support property maintenance and production costs for educational materials. The trust received \$2.75 million in FY 1998.

## **Advisory Council on Historic Preservation**

The Advisory Council on Historic Preservation (established by the 1966 NHPA as an independent federal agency) serves as a major policy advisor in the field of historic preservation by working closely with federal agencies and state historic preservation officers. The 20-member council includes 11 presidentially-appointed non-federal members, six federal agency heads whose activities affect historic preservation, the Architect of the Capitol, the chairman of the National Trust for Historic Preservation, and the president of the National Conference of State Historic Preservation Officers. The council received \$2.75 million in FY 1998. The responsibilities of the council include (1) advocating full consideration of historic values in federal decisionmaking; (2) overseeing the Section 106 review process and mediating controversial cases; (3) reviewing federal programs and policies to further preservation efforts; and (4) providing essential training, guidance, and public information to make the Section 106 process operate efficiently with full opportunity for citizen involvement.

The Section 106 review process ensures that state and local governments, Indian tribes, private citizens, and organizations have meaningful involvement in federal project planning when proposed actions that affect important historic resources. Under the review process, federal agencies must consult with project proponents and opponents, members of the general public, state and local officials, and the advisory council to address adverse impacts on historic properties. Federal officials also must consider the impact of their programs and projects on places of historic value and incorporate ways to protect and enhance historic resources through their land-use planning, funding, and licensing actions.



**Costs/Committee Action:**

Assuming appropriation of the amounts deposited into the Historic Preservation Fund each year, and assuming appropriation of the authorized amounts for the Advisory Council on Historic Preservation, CBO estimates that enactment of H.R. 1522 will result in additional discretionary spending of \$570 million over the FY 1999-2003 period. The bill does not affect direct spending, so pay-as-you-go procedures do not apply.

The Resources Committee reported the bill by voice vote on March 25, 1998.

**Other Information:**

“Historic Preservation: Background and Funding,” *CRS Report 96-123 EPW*, March 6, 1998.



*Kevin Smith, 226-7862*

# Wetlands and Wildlife Enhancement Act

## H.R. 2556

Committee on Resources  
H.Rept. 105-522  
Introduced by Mr. Saxton *et al.* on May 8, 1997

### Floor Situation:

The House is scheduled to consider H.R. 2556 on Tuesday, May 19, 1998, under suspension of the rules. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

### Summary:

H.R. 2556 reauthorizes and extends two Fish and Wildlife Service wetlands and wildlife enhancement programs through FY 2002. Specifically, the bill reauthorizes the North American Wetlands Conservation Act and the Partnerships for Wildlife Act over the next five years and extends their authorization of \$30 million and \$6.25 million per year, respectively, to carry out their fish and wildlife conservation programs. The existing authorization for both programs expires at the end of FY 1998.

### Background:

Wetlands provide critical habitat for numerous species of fish and wildlife, and are particularly important to the life cycles of migratory birds and many important fish species. They also serve as natural flood control basins and water filters, and wetland degradation is known to have negative effects on coastal and river water quality. Beginning in the 1930s, alarming declines in migratory bird populations spurred interest in improving wetland conservation, and in many federal, state and private programs to reduce wetland loss have developed since that time. In addition, waterfowl populations had plummeted to record lows by 1985. Waterfowl are the most prominent and economically important group of migratory birds on the North American continent. By 1985, approximately 3.2 million people spent nearly \$1 billion annually to hunt waterfowl. In addition, approximately 18.6 million people observed, photographed, and enjoyed waterfowl-related recreational opportunities.

Recognizing the importance of wetlands and waterfowl to North Americans and the need for international cooperation to help in the recovery of a shared resource, the United States and Canadian governments developed a strategy to restore waterfowl populations. In 1986, the United States and Canada signed the North American Waterfowl Management Plan (Mexico later signed on), which established cooperative international efforts to reverse the declines in waterfowl populations and their habitats.

### The North American Wetlands Conservation Act

The 1989 North American Wetlands Conservation Act (NAWCA; *P.L. 101-233*) promotes the conservation of wetland ecosystems and the species they support. The program matches federal dollars with contributions from state, local, and private organizations for wetland conservation projects in the United

States, Canada, and Mexico. The NAWCA carries out the purposes of the 1986 North American Waterfowl Management Plan. In addition, the NAWCA established the nine-member North American Wetlands Conservation Council (comprised of officials from the Fish and Wildlife Service, state agencies, and nonprofit organizations) to review the merits of individual proposals and make funding recommendations on specific wetlands conservation projects. Final decisions on funding proposals are made by the Migratory Bird Conservation Commission. While amendments to the NAWCA in 1994 (*P.L. 103-375*) authorized \$20 million for FYs 1995 and 1996 and \$30 million through FY 1998, actual appropriations have never exceeded \$15 million (e.g., the NAWCA received \$11.7 million in FY 1998).

Since the first NAWCA grants were awarded in 1991, 497 projects have been funded (involving more than 900 partners). During that period, the federal government has contributed approximately \$243 million and partners have contributed more than \$509 million to fund conservation programs. Under the NAWCA program, approximately 3.5 million acres of wetlands have been acquired, restored, or enhanced in the United States and Canada, while nearly 20 million acres have been affected through conservation education and management plan projects in Mexico.

### **The Partnerships For Wildlife Act**

In 1994, Congress enacted the Partnerships For Wildlife Act (PWA; *P.L. 102-587*) to encourage coordinated partnerships among the Fish and Wildlife Service, the National Fish and Wildlife Foundation (NFWF), designated state agencies, and private organizations and individuals to preserve and manage all nongame fish and wildlife species. The PWA created the Wildlife Conservation and Appreciation Fund, which receives appropriated monies and donations from the NFWF and other private sources. The fund provides grants to states to benefit a broad array of diverse fish and wildlife species and to provide fish and wildlife recreation opportunities. The program also matches federal dollars with state and local funds to support a wide variety of wildlife conservation and appreciation projects. In FY 1998, the PWA received an appropriation of \$800,000. In FY 1997, grants from the fund totaling more than \$773,000 contributed to a total of 51 PWA projects.

### **Costs/Committee Action:**

Assuming appropriation of authorized amounts, CBO estimates that enactment of H.R. 2556 will result in additional discretionary spending of approximately \$160 million over the FY 1999-2003 period. The bill does not affect direct spending, so pay-as-you-go procedures do not apply.

The Resources Committee reported the bill by voice vote on April 29, 1998.

### **Other Information:**

“Wetlands Bill Clears,” *1989 Congressional Quarterly Almanac*, pp. 680-1; “Wetlands Protection,” *1994 Congressional Quarterly Almanac*, pp. 264-5; “Resources to Act on Variety of Bills,” Leslie Ann Duncan, *Congressional Green Sheets Weekly Bulletin*, April 27, 1998, pp. 21.



*Kevin Smith, 226-7862*

# Resolution Honoring Emergency Medical Services Personnel

## H.Con.Res. 171

Committee on Commerce

H.Rept. 105-\_\_\_\_

Introduced by Mr. Goodlatte and Mr. Goode on October 21, 1998

### Floor Situation:

The House is scheduled to consider H.Con.Res. 171 on Tuesday, May 19, 1998, under suspension of the rules. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

### Summary:

H.Con.Res. 171 designates the annual memorial service held in Roanoke, Virginia, to honor emergency medical services personnel who have died in the line of duty as the “National Emergency Medical Services Memorial Service.” The memorial service is sponsored by the National Emergency Medical Services Memorial Service Board of Directors.

Since 1993, the memorial service has been held each May in Roanoke, the city in which the first volunteer rescue squad was founded in 1928. The memorial service has honored 119 emergency medical service (EMS) providers from 35 states. The National Emergency Medical Services Memorial Service highlights the devotion to the safety and welfare of others and continues to be a fitting reminder of the bravery and sacrifice EMS personnel provide. According to the Department of Health and Human Services, 170,000 people require EMSs a day and over 60 million people a year.

A companion measure, S.Con.Res. 55, was introduced in the Senate by Senators Gregg, Warner, and Robb.

### Costs/Committee Action:

A CBO cost estimate was unavailable at press time.

The Commerce Committee ordered H.Con.Res. 171 reported by voice vote on May 14, 1998.



*Melissa Decker, 226-0378*

# Extending Certain Programs of the Energy Policy and Conservation Act

## H.R. 2472

Committee on Commerce

H.Rept. 105-\_\_\_

Introduced by Mr. Schaefer on September 15, 1997

### Floor Situation:

The House is scheduled to consider H.R. 2472 on Tuesday, May 19, 1998, under suspension of the rules. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

### Summary:

H.R. 2472 extends the authorization for the Energy Policy and Conservation Act through September 30, 1999, and makes technical changes to the law. Specifically, the extension authorizes the Energy Department to (1) continue to operate the Strategic Petroleum Reserve, (2) participate in the International Energy Agency, and (3) conduct other related energy emergency programs and activities through the end of FY 1999. The current authorization for these programs expired on September 30, 1997.

The 1975 Energy Policy and Conservation Act (EPCA; *P.L. 94-163*) was enacted as a solution to the 1970s energy crisis. Following enactment, the Strategic Petroleum Reserve was created to store one billion barrels of oil in the event that petroleum imports are interrupted. The reserve, located off the coast of Texas and Louisiana, stores 582 million barrels—approximately the amount the United States imports in 71 days. Budgetary constraints have not allowed the Energy Department to continue to build the reserve. The International Energy Agency, which is authorized by EPCA, allows the president to drawdown the reserve in the event of an energy crisis and work with other nations affected by the crisis. The IEA also allows participating oil companies a limited antitrust exemption. Extending the authorization will continue current programs while Congress negotiates the issues for long term authorization.

### Costs/Committee Action:

A CBO cost estimate was unavailable at press time.

The House passed H.R. 2472 by a vote of 405-8 on September 29, 1997. The Senate then passed the bill with amendment by unanimous consent on September 30. The House agreed to the Senate amendment and passed the bill with another amendment by voice vote on November 9. The Senate agreed to the House amendment and again amended the bill, passing it by unanimous consent on February 12, 1998.



*Melissa Decker, 226-0378*

# National Bone Marrow Registry Reauthorization Act

## H.R. 2202

Committee on Commerce

H.Rept. 105-\_\_\_\_

Introduced by Mr. Young (FL) *et al.* on July 17, 1997

### Floor Situation:

The House is scheduled to consider H.R. 2202 on Tuesday, May 19, 1998, under suspension of the rules. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

### Summary:

H.R. 2202 reauthorizes \$18 million for the National Bone Marrow Registry for FY 1999 and such sums as necessary for FYs 2000-2003. The bill establishes a board of directors which will include representatives of marrow donor centers, recipients of bone marrow transplants, and persons who require such a transplant, who will serve two year terms and a maximum of three consecutive terms. The bill amends the Public Health Services Act to (1) establish a program to recruit potential donors, (2) support educational activities to support potential donor recruitment, (3) require annual updates of status change for potential donors, (4) establish an Office of Patient Advocacy which provides case management services for those whom the registry is searching for an unrelated donor of bone marrow, and (5) collect and analyze data, including cost comparisons among transplant centers.

The bill establishes a Bone Marrow Scientific Registry which will serve as a repository of information relating to patients who have received bone marrow transplants from unrelated donors. The bill also requires the General Accounting Office (GAO) to study (1) the registry effectiveness of increasing minority representation, (2) the registry utilization rates, and (3) the reasons preliminary searches in the registry were not completed.

The National Marrow Donor Program (NMDP) was designed to coordinate national matching of allogeneic unrelated donors and recipients. Under the Public Health Service Act, the program establishes a national registry of voluntary bone marrow donors and works to increase the representation of individuals from racial and ethnic minority groups in the pool of potential donors. NMDP has created a coordinated network of donor centers and collection and transplant centers. The functions of the program are to (1) develop a large, centrally organized file of potential marrow donors, (2) coordinate searches for unrelated marrow donors involving donor and transplant centers throughout the United States and with registries in seven other countries, (3) facilitate the donor matching, collection, and transport of marrow to increase the number of marrow transplants from unrelated donors, and (4) evaluate the outcomes of marrow transplants from unrelated marrow donors.

**Costs/Committee Action:**

A CBO cost estimate was unavailable at press time.

The Commerce Committee ordered H.R. 2202 reported by voice vote on May 14, 1998.



*Melissa Decker, 226-0378*

# New Wildlife Refuge Authorization Act

## H.R. 512

Committee on Resources  
H.Rept. 105-276  
Introduced by Mr. Young et al. on February 4, 1997

### Floor Situation:

The House is scheduled to consider H.R. 512 on Tuesday, May 19, 1998. On Tuesday, May 12, the Rules Committee granted an open rule that provides one hour of general debate, equally divided between the chairman and ranking minority member of the Resources Committee. The rule makes in order a committee amendment in the nature of a substitute as base text and accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

### Summary:

H.R. 512, as amended by the substitute, prohibits the expenditure of funds from the Land and Water Conservation Fund to create new national wildlife refuges until the Interior Secretary (1) notifies members of Congress representing the local area that the planning process has been initiated; (2) sends a copy of the environmental assessment or environmental impact statement, as well as a summary of the public comments relating to the proposed refuge, to the local congressional delegation and the authorizing and appropriating committees; and (3) ensures that notices of public meetings required by the National Environmental Policy Act (NEPA; *P.L. 91-190*) are published in local newspapers and clearly indicate that the purpose of the meeting is a proposal to create a new wildlife refuge. In addition, the bill clarifies that the determination of a boundary for a new refuge does not impose any additional federal land use restrictions until the land is acquired by the federal government. The substitute made in order by the rule is the result of an agreement reached with both the administration and the Democrats on the committee.

### Background:

The National Wildlife Refuge System is comprised of federal lands that have been acquired to conserve and enhance fish and wildlife. Totalling approximately 92 million acres, the system provides habitat for hundreds of fish and wildlife species, including more than 165 species listed as threatened or endangered under the Endangered Species Act. The refuge system is managed by the Interior Department's Fish & Wildlife Service (FWS). At present, the refuge system includes 509 refuges (the vast majority of which were created administratively) dispersed throughout all 50 states and five U.S. territories. These units range in size from the one-acre Mille Lacs National Wildlife Refuge in Minnesota to the 19.3 million acre Arctic National Wildlife Refuge in Alaska.



The National Wildlife Refuge System includes (1) 121 units that were acquired with money from the Migratory Bird Conservation Fund; (2) 104 units that are comprised of federal lands transferred to the Interior Department; (3) 94 units that were established from lands donated to the refuge system; and (4) 78 units that were financed by the Land and Water Conservation Fund. To date, only 67 refuge units have been created legislatively by Congress. In the last decade, over 70 new refuges and approximately three million acres have been added to the system.

The primary sources of funding for refuge acquisitions are annual appropriations from the Land and Water Conservation Fund, as well as the Migratory Bird Conservation Fund, which is funded from the purchase of annual duck stamps and refuge entrance fees. Under normal conditions, money is allocated from the Migratory Bird Conservation Fund in the following manner. A governor of a state or the FWS, after consulting with local citizens and officials, recommends that a new refuge be created or that additional land be added to the system. This recommendation is then considered and must be approved by the Migratory Bird Conservation Commission, whose current members include Interior Secretary Bruce Babbitt, EPA Administrator Carol Browner, Senator Thad Cochran, Representative John Dingell, Agriculture Secretary Dan Glickman, Representative Curt Weldon, Senator John Breaux, and Jeffrey Donahoe from the FWS. The commission normally meets about three times a year in Washington, D.C., to review acquisition recommendations.

By contrast, these same checks and balances do not exist on the expenditure of money from the Land and Water Conservation Fund (LWCF). Congress established the LWCF (*P.L. 88-579*) as a separate account in the U.S. Treasury, effective January 1, 1965. The LWCF is used to (1) provide federal assistance to the states to plan, acquire, and develop needed land and water areas and facilities; and (2) provide funding for the federal acquisition and development of certain lands and other areas. In the past 32 years, the FWS has obtained more than \$1 billion in funding through the appropriations process to purchase private property for inclusion in existing or entirely new wildlife refuge units. In the past decade, 47 new refuges (totaling 498,775 acres of land) have been created with money from the LWCF.

The congressional authorizing committees had little input into the establishment of some of these refuges, which include (1) the 14,262-acre Lake Ophelia National Wildlife Refuge in Louisiana; (2) the 14,144-acre Balcones Canyon Lands National Wildlife Refuge in Texas; (3) the 12,431-acre Cypress Creek National Wildlife Refuge in Illinois; (4) the 11,087-acre Ace Basin National Wildlife Refuge in South Carolina; and (5) the 10,273-acre Bald Knob National Wildlife Refuge in Arkansas. These acquisitions represent an expenditure of \$43 million.

### **Costs/Committee Action:**

CBO estimates that enactment of H.R. 512 will have no significant impact on the federal budget. The bill does not affect direct spending, so pay-as-you-go procedures do not apply.

The Resources Committee reported the bill by a vote of 25-9 on September 25, 1997.



*Kevin Smith, 226-7862*

# Bipartisan Campaign Integrity Act

## H.R. 2183

Committee on House Oversight

No Report Filed

Introduced by Mr. Hutchinson *et al.* on July 17, 1997

### Floor Situation:

The House is scheduled to consider H.R. 2183 on Tuesday, May 21, 1998. The Rules Committee has not yet scheduled a time to meet on the bill. Additional information on the rule and potential amendments will be provided to all Republican offices in a *FloorPrep* prior to floor consideration.

### Highlights:

H.R. 2183 amends the 1971 Federal Election Campaign Act (FECA) to (1) ban the use of certain “soft money” by national political parties and federal candidates; (2) increase the aggregate annual limit on contributions made by individuals to political parties; and (3) repeal limitations on the amount of coordinated expenditures that may be made by political parties. The bill indexes contribution limits to inflation beginning in 1999. The bill requires that radio and television communications paid for by third parties be fully disclosed. It revises current Federal Election Commission (FEC) filing requirements to mandate monthly reports by principal campaign committees and other political committees and requires electronic filing for certain reports. The bill also eliminates the “best efforts” exception with respect to obtaining information regarding the occupation or the name of employers of certain individual contributors.

### Background:

Current campaign finance law evolved during the 1970s. The 1971 Revenue Act inaugurated public funding of presidential general elections, which was later extended to presidential primaries and nominating conventions by the 1974 Federal Election Campaign Act Amendments. Other amendments in 1974, 1976, and 1979 imposed limits on contributions, required uniform disclosure of campaign receipts and expenditures, and established the Federal Election Commission (FEC) as the central administrative and enforcement agency.

During the past two decades, the limits on contributions by individuals, political action committees (PACs), and political parties have governed the flow of money in congressional elections. This has raised issues regarding contemporary campaign practices—rising campaign costs, reliance on PAC money, and what critics argue is a lack of competition in elections.

While Congress has attempted to reform the system over the last eight years, partisan differences eliminated any chance of campaign finance reform. The last three attempts at reform basically reflected attempts to impose spending limits on and provide public funding for congressional races, with curbs on PAC funding.

Democrats and Republicans have tended to take different approaches to campaign finance reform. Democrats have advocated imposing voluntary limits on campaign expenditures, as well as provide public funding for campaigns. Most Republicans strongly oppose spending limits and public funding. They support greater reliance on voluntary contributions by individuals in the election process.

The 105th Congress has seen over 110 proposed reform measures and seven hearings, including testimony by 45 members. Reformers in both the House and the Senate pushed to bring the issue to the floor in 1997, despite GOP leadership opposition. The Senate debated a pared-down version of the McCain-Feingold bill which led to three failed cloture votes in October and another in February. After that, Majority Leader Lott declared the issue dead in the Senate for this Congress. Last November, the House leadership pledged a House vote on campaign reform by the end of March 1998.

After the failure of several campaign reform measures under suspension of the rules on March 30, Republican leaders proclaimed the issue dead for the remainder of the year. However, after a petition to discharge a campaign reform bill gained momentum, the leadership stated that the House would debate a campaign reform measure under an open rule. Issues that will likely be debated include measures to ban the contribution of soft money, increase individual contribution limits, provide worker protection against union dues being used involuntarily for political purposes, create a rapid disclosure system for contributions, increase protections against ballot tampering and fraud, and ban contributions from non-citizens.

## **Provisions:**

### **— *Soft Money and Contributions and Expenditures of Political Parties* —**

H.R. 2183 amends the 1971 Federal Election Campaign Act (FECA) to ban national parties (including the national congressional campaign committees), their officers and agents, and any entity that is established, financed, maintained, or controlled (directly or indirectly) by the national party committees from soliciting, receiving, directing, transferring, or spending “soft money.” The bill prohibits a candidate for federal office or a federal officeholder from soliciting, receiving, or directing soft money. The bill exempts a federal officeholder if the individual is also a candidate for a non-federal office. However, the bill does not prohibit a federal officeholder from attending state and local party fundraising events in his/her home state. The bill prohibits interstate party transfers of soft money.

The bill permits an individual to contribute up to \$25,000 a year to the political parties and up to \$25,000 to all other non-party political committees (i.e., candidate campaign committees and political action committees (PACs)). Under current law, an individual may contribute up to \$20,000 a year to a political party and is subject to an aggregate contribution limit of \$25,000 a year to all political committees including political parties, candidates, and PACs.

Finally, the bill repeals the current candidate and party coordination limits to give the party committees greater flexibility to provide financial support to candidates.

*— Indexing Contribution Limits —*

H.R. 2183 indexes all contribution limits to inflation. Beginning in 1999, the bill updates contribution limits for inflation, revising them again in 2003 and every fourth subsequent year, and states that the contribution limits will be indexed to inflation in \$100 increments.

*— Expanding Disclosure of Campaign Finance Information —*

H.R. 2183 requires third party groups that spend \$25,000 in a single district, or \$100,000 nationally, on television or radio advertisements that bear the name or likeness of a candidate to disclose certain information regarding the expenditure. Specifically, the bill requires the groups to report to the Clerk of the House or the Secretary of the Senate the amount spent, the name of the group, the name of the group's principal officer, and the organization's address and phone number. The bill requires this information to be disclosed no later than seven days after the expenditure is made and within 24 hours if the expenditure is made within the last 10 days of an election. The bill establishes a fine of not more than \$50,000 for violations of this requirement.

The bill changes the filing deadlines with the Federal Election Commission (FEC) to monthly filings during an election year. Under current law, campaign committees must file quarterly reports with the FEC.

The bill requires campaign committees that raise more than \$50,000 to file certain reports with the FEC electronically. The bill directs the FEC to provide a standardized package of software free-of-charge to persons filing reports so that they may do so electronically.

Finally, the bill requires that political campaign committees which receive contributions of \$200 or more must include the occupation and employer of the contributor on FEC reports. The bill states that if this information is unavailable, then the contribution must be returned. Under current law, political committees must make a "best effort" to ascertain the occupation and employer of the contributor.

*— Effective Date —*

The bill applies to elections occurring after January 1999.

**Costs/Committee Action:**

A CBO cost estimate was unavailable at press time.

The bill was not considered by any House committee.



*Melissa Decker, 226-0378*

# Sense of the House Concerning the President's Assertion of Executive Privilege

H.Res. 432

Introduced by Mr. DeLay on May 14, 1998

## Floor Situation:

The House is scheduled to consider H.Res. 432 on Thursday, May 21, 1998. On Friday, May 15, the Rules Committee granted a rule that provides one hour of general debate, equally divided and controlled by the majority leader or his designee and an opponent. The rule further provides that the previous question will be considered as ordered on the resolution to final adoption without an intervening motion.

## Summary:

H.Res. 432 expresses the sense of the House that all documents, including legal memos, briefs, and motions related to the president's claims of executive privilege—under which he has refused to release such documents or information to investigators—be made immediately and publicly available.

The resolution arises from recent developments regarding investigations being conducted by Congress and the independent counsel into various White House scandals, including Whitewater and the question of an illicit affair and possible charges of perjury involving Monica Lewinsky. The resolution cites opinions from U.S. Supreme Court from the 1974 *U.S. v. Nixon* case regarding then-President Richard Nixon, and quotes from the president and members of his staff, which state that use of 'executive privilege' should be reserved for situations involving on the highest sensitivity, such as the need to protect military, diplomatic, or other sensitive national security secrets. Moreover, the Supreme Court ruled in 1974 that "neither the doctrine of separation of powers, nor the need for confidentiality of high-level communications . . . can sustain an absolute, unqualified presidential privilege of immunity from judicial process under all circumstances."

Indeed, according to the president in 1998, the "American people have a right to get answers" and made promises and guarantees that such information would be provided "as soon as we can, at the appropriate time, consistent with our obligation to also cooperate with the investigations [currently underway by Independent Counsel Kenneth Starr and the U.S. Congress]."

Sponsors of the resolution believe that the administration has instead offered very few answers, but more attempts to stall investigate progress, which resolution supporters assert is contrary to its constitutional duty and a perpetration of fraud against the American people. Thus, H.Res. 432 expresses what members of the House believe should be an immediate release for public inspection and knowledge all information related to the executive privilege protection which the president has invoked repeatedly over the past several years of his administration.

**Committee Action:**

H.Res. 432 was reported by the Rules Committee.



*Kevin Washington, 226-7860*

# Sense of the House Concerning the President's Cooperation with Congressional Investigations

**H.Res. 433**

Introduced by Mr. Solomon on May 14, 1998

## **Floor Situation:**

The House is scheduled to consider H.Res. 433 on Thursday, May 21, 1998. On Friday, May 15, the Rules Committee granted a rule that provides one hour of general debate, equally divided and controlled by the majority leader or his designee and an opponent. The rule further provides that the previous question will be considered as ordered on the resolution to final adoption without an intervening motion.

## **Summary:**

H.Res. 433 urges the president to immediately call on friends, former associates and appointees, and any other related individuals who have asserted Fifth Amendment privileges under the U.S. Constitution in order to avoid providing testimony regarding congressional campaign finance investigations, to now come forward and fully testify before those congressional committees currently involved in campaign finance investigative proceedings. The resolution further states that the president should use all legal means at his disposal to compel those who have left the U.S. to return and fully cooperate with the investigation.

The resolution cites numerous witnesses who have been called or have appeared before both House and Senate campaign finance committees, only to refuse to offer testimony based on the protection against self-incrimination and other rights to not provide testimony under the Fifth Amendment. Such actions on the part of witnesses have seriously stifled the progress of congressional investigative committees, and leave numerous questions as to whether and when campaign contributions may have been illegally received by the Clinton Administration during its 1996 re-election efforts. In order to not irreversibly undermine the faith of the American people in their system of government and elections, supporters of the resolution believe that the administration, beginning with President Clinton, should become heavily involved in getting its supporters and contributors to provide information to Congress regarding their contribution practices, so that conclusive answers may be reached for the sake of the integrity of the U.S. political process.

## **Committee Action:**

H.Res. 433 was reported by the Rules Committee.



*Kevin Washington, 226-7860*